

**THE CONTINUATION OF COLLABORTIVE BARGAINING IN A
COMPULSORY ARBITRATION ENVIRONMENT**

EXECUTIVE LEADERSHIP

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ABSTRACT

Lansing Fire Department recently agreed to a new labor contract using Collaborative Bargaining as the format for negotiations. The problem is that just after having completed successful collaborative bargaining after many years of contentious negotiations, the Lansing Fire Department needs to identify methodologies that can continue to build on those successes.

The purpose of this research is to provide recommendations to the City of Lansing for future negotiations strategies, using historical research. Three research questions were devised to determine in Collaborative Bargaining is appropriate to be used in the future:

Question 1. Is the continuation of Collaborative Bargaining a valid concept for the

Lansing Fire Department in the future?

Question 2. Are other Michigan public safety agencies which operate under the auspices

of Public Act 312, Compulsory Arbitration, moving toward the use of

Collaborative Bargaining?

Question 3. Is Collaborative Bargaining expanding on a national level, to the extent that

it would support the continuance of this form of bargaining at the Lansing

Fire Department?

The procedures used in this research included a literature review, an individual survey of all 15 negotiators, and an interview with the state facilitator. The results of the literature review were three-fold: Collaborative Bargaining is in its infancy, Collaborative Bargaining has had generally positive results, and difficulty has been reported in overcoming the entrenchment of Traditional Bargaining. The individual survey revealed

there is support for the use of Collaborative Bargaining at Lansing Fire Department in the future.

Based on the information collected, a four-step program has been recommended by this researcher as a starting point, upon which to build a solid Collaborative Bargaining process for the present, and into our uncertain future.

TABLE OF CONTENTS

ABSTRACT.....	2
INTRODUCTION.....	5
BACKGROUND AND SIGNIFICANCE.....	6
LITERATURE REVIEW.....	13
PROCEDURES.....	21
RESULTS.....	24
DISCUSSION.....	30
RECOMMENDATIONS.....	33
REFERENCES.....	35
APPENDIX A (Interview Form).....	37
APPENDIX B (Compiled Interview Data).....	39
APPENDIX C (Spalding Interview).....	48
APPENDIX D (Participants).....	52

INTRODUCTION

The City of Lansing, Michigan, a capitol city in the Mid-West, exists in a highly unionized environment. The Lansing Fire Department has a long rich tradition of union leadership and through aggressive bargaining, has maintained a decent wage and appropriate benefits for their membership. This has not been accomplished without conflict and often tumultuous results. The 1998-2002 Labor Contract was approximately 700 days overdue. The subsequent demonstration at City Hall, and confrontations between labor and management, resulted in uncomfortable negotiations, which carried over into the working environment.

To avoid this in future negotiations, Fire Chief Martin and President of Local 421, Tom Cochran, agreed to try a change in bargaining strategy. The 2002-2006 contract negotiations used a Collaborative Bargaining format for negotiations. As a result, the contract was agreed upon before the expiration of the previous contract, and was settled without conflict. This Historical Research explores the possibilities of future use of Collaborative Bargaining in the Lansing Fire Department, and the preparations that should be undertaken to make that a reality.

NATURE OF THE PROBLEM

The problem was that just after having completed successful collaborative bargaining after many years of contentious negotiations, the Lansing Fire Department needs to identify methodologies that can continue to build on those successes.

Collaborative Bargaining is a positive step in reducing conflict, and enhancing a quick resolution to negotiations. Michigan faces an uncertain economic future. In face

of tumultuous economic times and other challenges including changing workforce, it is uncertain if this method of negotiations will continue in the future.

PURPOSE OF THE STUDY

The purpose of this research is to provide recommendations to the City of Lansing for future negotiations strategies, using historical research.

RESEARCH QUESTIONS

Question 1. Is the continuation of Collaborative Bargaining a valid concept for the Lansing Fire Department in the future?

Question 2. Are other Michigan public safety agencies which operate under the auspices of Public Act 312, Compulsory Arbitration, moving toward the use of Collaborative Bargaining?

Question 3. Is Collaborative Bargaining expanding on a national level, to the extent that it would assist in supporting the continuance of this form of bargaining at the Lansing Fire Department?

BACKGROUND AND SIGNIFICANCE

The City of Lansing, capitol city of the State of Michigan, is the home of General Motor's Buick, Olds, Cadillac (BOC), the largest employer in the area. The City, and to a greater extent the Fire Department, has a long rich tradition of labor leadership, and through aggressive bargaining, has maintained a decent living and appropriate benefits from the membership.

Because of their critical public safety nature, Fire and Police departments in the State of Michigan are prohibited from striking or engaging in similar labor practices. To provide protection for the workers, fire and police agencies are covered by Public Act 312 of 1969, Compulsory Arbitration of Labor Disputes in Michigan, Police and Fire Departments. “It is the public policy of this state that in public police and fire departments where the right of employees to strike is by law prohibited, it is requisite to the high morale of such employees and the efficient operation of such departments to afford an alternate, expeditious, effective and binding procedure for the resolution of disputes, and to the end, the provisions of this act, providing for compulsory arbitration, shall be liberally construed.”(Compulsory Arbitration Act, 1969).

Based on this law, in Michigan, public safety agencies as well as the municipalities they serve, are given the opportunity to demand state regulated mediation, and when necessary, arbitration, to resolve grievances or contract negotiations. It is recognized by all parties however, that arbitration is a “last ditch” effort. The concern with invoking arbitration under this system is that either side can never be assured of the outcome. The arbitrator can take either side, can combine positions, or provide an outcome unique to the situation.

Arbitration is a considered a “coin toss” by most people, but it does provide some unique “outs”. In an adverse setting, people fearing personal blame can move to arbitration and shift that blame to an impersonal arbitration. Not without significant cost, this method has been used frequently in the past.

During the negotiations of the 1998-2002 Contract negotiations, the City found itself in a highly contentious situation. Many factors may have contributed to this,

including wage issues, educational testing requirements and assorted old wounds from previous grievances and arbitrations. The contract dragged for over 700 days past its expiration, with the governing bodies of both sides, exerting significant pressure on the negotiators to “hold the line”.

The Lansing Firefighters, who enjoy strong public support, finally took their complaints public, with a demonstration against city hall. The elected Mayor, the Hon. David Holister, as well as Council Members, strongly urged a settlement. The contract was settled during the arbitration by mutual agreement; however both sides were dissatisfied, and uneasy with the adversarial context that lingered.

Through 2001, Fire Department Administration pondered methods of entering into the next round of negotiations in a more positive manner. As the same time, the former union President stepped down to become a Battalion Chief, and the Vice President was voted into the Presidential position. Both the Chief of the Department, G.K. Martin, and the new I.A.F.F. Local 421 President, Tom Cochran, made efforts to establish a dialogue leading to a more constructive relationship.

During 2001, both leaders attended a conference which included a seminar on collaborative bargaining. This form of negotiations, often called Issue Based Bargaining or Interspace Bargaining, moves away from the adversarial style of bargaining, into a construct which requires individual problems to be openly stated, brainstormed, and worked on to resolution jointly by the assembled group of negotiators.

A unique strategy of this style of bargaining is that there are no positions, only issues. To encourage discourse between teams, the seating is staggered so that there is a union representative, a management representative, a union representative, and so on, all

the way around the table. Participants are allowed, and often strongly encouraged, to enter into the dialogue in order generate ideas which may lead to a resolution of the issue.

In order to more clearly understand the process, a labor mediator was contacted to initially train the group in the process of Collaborative Bargaining, and then monitor and assist in several sessions until the group understood the process and could function on their own. It was jointly agreed by the Fire Chief and the Union President that this style was worth a try.

Both bargaining teams were called upon to meet in late February, 2002, and the beginning of negotiations using a very different style of bargaining began. Mr. James R. Spalding, Labor Mediator from the Bureau of Employment Relations, State of Michigan, began the training which lasted for four sessions. After the initial training, Mr. Spalding acted as a session facilitator, until a person from both sides could take over the facilitation role, as joint facilitators. After this, Mr. Spalding remained available as needed, while the joint Labor-Management Team continued on. Four months later, the contract was brought to a successful agreement, harmoniously, and well before the expiration of the current contract.

Past Impact

The past impact of traditional contract negotiations was to maintain the adversarial role between labor and management, throughout the life of the contract. Most interaction during bargaining was based on the adversarial model. Communications usually took place from one group, to that group's attorney, to the other group's attorney, to that attorneys group. Issues were discussed in private caucus, and agreements were

often made between attorney and attorney, without others present. A good deal of old fashioned “horse trading” of positions, prevailed.

Management may have understood labor’s demands, but not the reasoning behind them. The opposite was also true. In neither case was there the ability to understand the other side’s rationale, nor use constructive feedback to agree upon an issue. Open, spontaneous communications was not part of these negotiations, and misunderstandings, anxiety, and anger, were common. The overriding concept of the primary negotiators was to win, occasionally irrespective of future consequences.

Present Impact

The impact of Collaborative Bargaining has been significant in reducing some of the results of a long history of adversarial based bargaining. The negotiations proceeded in a professional manner with open communications and significant dialogue. Each member of each team was encouraged to participate fully, and after a few sessions with this new method of bargaining, the inhibited communications of adversarial bargaining was a thing of the past.

The importance of this open, freewheeling communications cannot be understated. It was not unusual to see members of management taking a union position, and the reverse. It was not unusual to see members of the same side passionately arguing over some point. This was not confined to the management side but occurred with labor as well. The amount of information exchanged, and the breadth of issues raised and discussed, was nothing less than impressive.

Another important facet of the current negotiations was the building of personal bonds among the participants. It is safe to say that in addition to building trust, there was

a good deal of mutual respect built up among the negotiators. Team members went out of their way to maintain civility and respect. The concept of Ury's adage, "bring them to their senses, not their knees"(Ury, 1991), was ever-present among team members.

Multiple issues were raised, brainstormed, discussed, and solutions devised jointly, in an open manner, with all parties expressing their thoughts and opinions solutions. The result of this collaborative bargaining process was a highly favorable contract agreed to by management and labor, in an environment of tight budgets and fiscal uncertainty.

Of significant importance was that the new contract was agreed upon before the expiration of the old contract, and without negative publicity, to the relief of all concerned. An added benefit is that City management has a more clear understanding and appreciation of fire department issues, and concerns than ever before.

Three months in to the new contract, both labor and management have demonstrated a willingness to communicate more openly in this new paradigm, brought about by a new style of negotiations. This has had a positive effect on all forms of communication throughout the Department.

Future Impact

The future of Collaborative Bargaining is of major importance to the Lansing Fire Department. It is recognized that this new style of bargaining has reaped significant benefits for both labor and management at the table, and in the station environment. Its effects should continue over the life of the contract.

Of primary concern is that at contract expiration in four years, both labor and management will have all new staffs to train, and will need to rebuild trust and credibility

in everyone of the members of the joint bargaining team. It is questionable that without a concerted effort to maintain and enhance the concept of Collaborative Bargaining during this four year span, new staffs not fully understanding the concept or depth of change, or not wishing put forth the time, effort, or energy, needed to effect a successful outcome, will resort to the much simpler adversarial format of bargaining. The gains experienced through this current effort, will dissipate.

Relevancy to Executive Leadership Class

This research has direct relationship to the Executive Leadership Class in that it addresses leadership, participative decisions making skills, and the elements of persuasion, that are presented in the course. The leadership of the Fire Chief, an Executive Fire Officer graduate, and the Union President, were crucial in making this transition to a new style of bargaining.

The Fire Chief's decision to encourage participative, open, decision making, in a negotiations setting, was a primary element upon which this contract is based. Equally important was the Union President's decision to undertake this high-risk transition, to persuade his negotiations staff to accompany his "leap of faith", and to proceed under heavy pressure from those who felt this was not the right course of action. Both of these leaders exemplify the concepts expressed in the Leadership Class, to the obvious benefit of Lansing Fire Department, its personnel and the citizens they serve.

This research paper addresses Objective # 3 of the 5 year Operational Objectives of the U.S. Fire Administration: To appropriately respond in a timely manner to emergency issues. This research addresses the usefulness and continuance of collaboration. It is believed that this form of negotiations and operations will optimize

the working relationships of labor and management. Further, it is believed that a strong working relationship between labor and management will improve morale and motivation, and ultimately lead to better fire operations and improved safety of the community.

LITERATURE REVIEW

Introduction

“Collaborative bargaining is typically considered a new approach to negotiations. Actually, collaborative bargaining has been around for a very long time”(Spaulding, 2001a). “Although the steps in collaborative bargaining and adversarial bargaining are the same, the steps are taken differently” (Spaulding, 2001b). These steps include: “Identify the problem, Diagnose the problem, Develop the solutions, Select a solution, Implement the solution, Evaluate the outcome” (Federal Mediation and Conciliation Services, 1997).

Using this information as a foundation of his training class, Mr. Spaulding began to educate the members of Local 421 and the City negotiators in the fine art and science of Collaborative Bargaining.

Is Collaborative Bargaining a Valid Concept?

“Although many are discussing it (Interest Based Bargaining), actual examples of interest-based bargaining are still rather rare. Not surprisingly, both labor and management find it difficult to embrace some of the changes associated with interest-based bargaining in an atmosphere of scarce resources” (UFC, 1995).

Embracing this type of change is difficult, and this is especially true with many of the negotiators at the table during these negotiations. Most of the negotiators present had experience in the adversarial style of traditional bargaining, and those personal traditions and beliefs, along with the “warrior mentality” were hard to overcome.

Of perhaps greater impact was the transition necessary for both the City government, and Labor members who were not at the table. Often, the negotiators of both sides had constituents who felt their representatives were selling them down the river, because of the evident lack of fervor and table-pounding arguments. Absent this type of vitriolic exchange, constituents felt their interests were not being aggressively served. The exact opposite proved to be the case.

According to Bartell in the Executive Fire Officer Research Paper of 1999 concerning Clark County Fire District 12, “this paper found that in most instances IBB (Interest Based Bargaining) produces better results than traditional bargaining. It preserved interpersonal relationships between labor and management” (Bartell, 1999).

“The results of the research indicated that interest based bargaining led more efficiently to better agreements, that the mutual interests developed could lead to better labor relations in other areas, and that relationships between the Local and the City was developed well enough to provide the atmosphere needed for this type of process” (Adelsberger, 2000).

That said, occasionally, agreement is not forthcoming. Simply put, “many problems, critics say, are distributive in nature. There really is (only) one orange or one piece of land, or a certain amount of money that has to be divided between two or more

people or groups. The more one gets, the less the others get—there is no way around it, no way to “enlarge the pie” (Conflict Research Consortium, 1999).

It is with this concern in mind, that Fisher and Ury address the issue of the Best Alternative to a Negotiated Agreement (BATNA). According to the authors, “the reason you negotiate is to produce something better than the results you can obtain without negotiating. Without taking the time to figure out your BATNA, you are negotiating blindly and without direction” (Fisher & Ury, 1981a). Also, according to Fisher and Ury, “developing your BATNA thus not only enables you to determine what is a minimally acceptable agreement, it will probably raise that minimum” (Fisher & Ury, 1981b). There are times that you simply can’t get to a collaborative solution. It is then when Collaborative Bargaining steps back and Traditional Bargaining takes over.

The results of this research and a subsequent survey of negotiators, discussed in detail in the Results section of this document, appear to mirror the foregoing information found during the Literature Review.

Locally Are Others Moving Toward Collaborative Bargaining?

“We know we need to take labor relations to a higher level. Labor-management cooperation is not easy; it’s particularly difficult as you transition from a traditional shop. IBB does work” (Welch, 1998).

We are cautioned however, that “Interest-based bargaining is not for everyone. Traditional bargaining has, for the most part worked well in both the public and private sectors. Interest based process should be viewed as an effective option when used in the right places, at the right time” (UFC, 1995b). The question that must be answered for negotiations leaders is: When is that right time?

In a telephone interview with Mr. Thomas Krug, Business Manager for Lodge 141, Fraternal Order of Police, Mr. Krug stated that, “Collaborative Bargaining is of interest to the Lodge. Although there are no known examples of Collaborative Bargaining currently underway at the Lodge, there is sufficient evidence that it works, and that it has results beyond the contract” (T. Krug, personal communications, February 18, 2003). Further research into 312 units, those units mandated by law for compulsory arbitration, reveals there are no current efforts at Collaborative Bargaining underway.

During an interview with Mr. James R. Spalding, Labor Mediator representing the Michigan Bureau of Employment Relations, a similar question was posed. “There are one, possibly two 312 Units in the State of Michigan that have participated in Collaborative Bargaining. One in Kent County, and possibly one in Wayne or Oakland County. Lansing Fire Department is the first Fire Department to sign an agreement based on Collaborative Bargaining. The switch for 312 units is in its infancy” (J.R.Spalding, personal communications, February 24, 2003).

Within other employment areas in the state, Collaborative Bargaining is becoming increasingly popular. A December 2000 press release from Marquette General Health Systems announced the settlement of a new contract using Interest Based Bargaining. “During the last contract negotiations between MGH and MNA, Tarkowski introduced a problem-solving method of bargaining referred to as Interest Based Bargaining (IBB), and advantageous strategy endorsed by both sides. That method of bargaining, Hendra said, worked so well that it was used again” (MGH, 2000).

Education within the State of Michigan is truly a leader in the Collaborative Bargaining process. Faced with an adverse conflict with the Governor of the State of

Michigan and adversely impacted by subsequent legislation, educators and school boards were faced with the need to transition and collaborate. A mandate exists to improve education and control costs, or in those financially strapped school districts, face possible take-over and preemption by the State. Collaborative Bargaining is one of the primary methods of reaching agreement and maintaining control.

According to Mr. James R. Spalding, “many K-12 school districts have embraced this form of Bargaining. Universities are beginning to look at it as a viable alternative to Traditional Bargaining, and, as an example, McLaren Hospital, which as used Collaborative Bargaining in the past, is now moving to include all of their units of the hospital, in this form of bargaining. In addition, they work through problems during the life of the contract using this same format” (J.R.Spalding, personal communications, February 24, 2003).

An organization solely dedicated to the process of Collaborative Bargaining, is the Michigan Educational Collaborative Alliance. “In 1999, Michigan public school employees, school board members and school administrators formed a historic partnership—The Michigan Educational Collaborative Alliance. Its purpose is two fold. To change forever the prevailing adversarial nature of labor relations and to provide to school districts an opportunity to learn and apply the principals, elements and techniques of a new approach to their employment relationship.” (MASB, 1999) This approach is the Interest Based Process.

Based on the author’s research, it appears that at a state level, with the exception of State Government, Collaborative Bargaining is increasingly used as a process for negotiations. “As participants realize the benefits gained from the collaborative process,

it will continue to be used more frequently. I am a convert” (S.Graham, personal communications, February 18, 2003).

The National Level

“In redesigning government processes, especially those areas focused on Total Quality Management (TQM) or High Performance Workplace (HPW) theories, it is likely that collective bargaining will become less confrontational and more interest-based. In some cases, interest based bargaining has let to joint involvement in quality initiatives” (AFSCME, 1995). A review of the literature reveals numerous local or state-wide initiatives on-going around the nation. School boards from New York to Oregon, healthcare systems around the nation, and private industry as well are realizing the benefits of Collaborative Bargaining.

The Federal Government however has taken a different approach. In 1993, President Clinton signed into existence, Presidential Executive Order No. 12871, entitled, Labor-Management Partnerships. Seen by many as the genesis of a new era of government, its purpose was that “Labor management partnerships will champion change in Federal Government agencies to transform them into organizations capable of delivering the highest quality services to the American People” (Executive Order No. 12871, 1993).

A keystone to this change was the Presidential order that agency heads would “provide systematic training of appropriate agency employees in consensual methods of dispute resolution, such as alternative dispute resolution techniques, and interest-based bargaining approaches” (Executive Order No. 12871, 1993). President Clinton reaffirmed his commitment to that concept on October 28, 1999, when he issued another

memorandum for the heads of executive departments and agencies. In that memorandum, the President directed that, “Whenever possible, workplace issues should be resolved through consensus using interest-based problem-solving techniques” (Whitehouse, 1999). It appeared that Collaborative Bargaining was alive and growing in the federal system.

On February 17, 2001, President George W. Bush issued Presidential Executive Order 13202, revoking President Clinton’s Executive Order 12871. This included, Section 1. Executive Order.... as amended.... “which established the National Partnership Council and required agencies to form labor-management partnerships for management purposes, is revoked. Among other things, therefore, the National Partnerships Council is immediately dissolved” (Executive Order No. 13202, 2001).

President Bush’s Executive Order also required, “heads of executive agencies shall promptly move to rescind any orders, rules, regulations, guidelines, policies implementing or enforcing Executive Order 12871.....”(Executive Order No. 13202, 2001). According to a Republican Legislative Review, the focus of concern was the requirement to bargain on permissive topics. In summarizing their article their “hope is that where partnerships have not worked well, agencies will have the option of using more traditional (and often adversarial) labor relations methods outlined in the labor relations statute” (NATCA, 1999).

Literature Review Summary

Collaborative Bargaining is a negotiations tool which is issue-based, rather than positional-based. It allows participants in the process to brainstorm and discuss issues

unrelated to political positions. Based on the principals of Collaborative Bargaining, all participants have equal access to the information and are strongly encourage to participate in the discussion. In addition, many departments and agencies have experienced positive impact in the areas of day-to-day operation, conflict resolution and problem solving that have transcended the negotiations setting.

Locally, Lansing Fire Department participated in the first Collaborative Bargaining process within the City. The contract was settled amicably, and within time limits. Based on the success of that negotiation, there are currently two other bargaining units in the City using the Collaborative Bargaining process during their negotiations. The process has relevance, and the results of the survey of the negotiating participants, strongly favors continuation of the Collective Bargaining Process for Lansing Fire Department.

Although Lansing Fire appears to be among the first of the 312 Compulsory Arbitration units to undertake Collaborative Bargaining, there are a number of public and private groups participating in this type of negotiations. Notable among these groups are the Michigan educators, who possibly have the largest following of Collaborative Bargaining units. Their success in contract negotiations is notable in a decidedly unfavorable political and economic environment.

Finally, Collaborative Bargaining appears to be expanding on the national scene, especially in the areas of education and healthcare. The notable exception is the Federal Government. Once mandated by Presidential Order and then rescinded by the succeeding President, Federal agencies have turned the clock back to the traditional bargaining era.

PROCEDURES

Historical research was used to gather information for the development of a recommendation relative to the continued use of Collaborative Bargaining in the Lansing Fire Department. Information was gathered by this researcher from several different sources including:

- Various libraries in the Lansing area were quarried for information related to collaborative bargaining in both the public and private sectors. Inter-Library loans provided additional documents not held locally.
- The National Emergency Training Center, Learning Resource Center was visited for access to Executive Fire Officer Research papers on subjects related to collaborative or issue-based bargaining.
- Mr. James Spalding of the Michigan Bureau of Employment Relations was interviewed for information and statistics relevant to collaborative bargaining
- The Internet was used extensively for searches of the professional journals and related web sites. Searches were focused on collaborative and issue based bargaining at the local, state and federal levels.
- An Individual Survey Instrument, consisting of 16 open-ended questions was developed and used. This survey tool was designed to answer the 1st research question: Is the continuation of Collaborative Bargaining a valid concept for the Lansing Fire Department in the future.
- Individual surveys were conducted with seven of the city representatives, and all eight of the union representatives, present at the Collaborative bargaining

sessions. Including the author, this represented the entire negotiations team of 16 personnel.

- After compiling the information from the interviews, this author attempted to correlate the subjective information of the interviews into a comparative analysis.

From the data gathered, a discussion of the process and subsequent recommendations to the City for future actions, followed.

Limitations and Assumptions

This research represents an analysis and recommendation concerning the continuance of Collaborative Bargaining in the Lansing Fire Department. The analysis is narrow in scope with sixteen personal interviews conducted. It is assumed that all respondents answered the questions accurately, and the responses were reported accurately. A tape recorder was not used and answers were written when stated, as accurately as possible. It is understood that a convenience sample was used for this study, given the time and resource constraints.

The Literature Review was an attempt to find all written information related to Collaborative Bargaining and Interest-Based Bargaining. Most of the information was dated, and focused on texts by Robert Fisher and William Ury. A current “How-To” document by James Spalding was also found useful.

The Literature Review process next focused on other public safety agencies which operate under the auspices of compulsory arbitration which use or have used, collaborative bargaining as their method of negotiations. There were none identified in the Literature Review. According to information discovered during personal interviews,

it is believed that one, possibly two law enforcement agencies, which also operate under the auspices of Public Act 312, exist in the State of Michigan. Neither the Fraternal Order of Police nor the Police Officers Association of Michigan, had a record of that information, and a continuing search has revealed no information as of the publication of this document. The Literature Review was expanded to other states which have mandatory bargaining, but no information was found. Because of the lack of literature concerning state-wide initiatives in Collaborative Bargaining, numerous personal communications were used. It is feared this may make duplication of the research more difficult for future researchers.

Finally, the Publication Manual of the American Psychological Association, 4th Edition, was used for the development of this document.

Definitions of Terms

Adversarial Bargaining. A traditional form of labor-management negotiations where each side is represented by a chief negotiator who is presenter, spokesperson and advisor in-one. Positions are presented, argued, and traded off, and the only resolution contemplated is a one-sided win.

Arbitration. In Michigan, arbitration is the step following mediation. A State of Michigan mediator is called in under the auspices of PA 312, Compulsory Arbitration. This individual, after hearing both sides will render a decision in order to bring negotiations to a close.

Collaborative Bargaining. Bargaining which focuses on issue identification, development of problem statements, identification of common interests, development of

options, and decisions based on group consensus. Collaborative Bargaining is also known as Issue Based Bargaining and Interspace Bargaining.

Public Act 312, Compulsory Arbitration of Labor Disputes in Police and Fire Departments. This statute enacts a binding procedure for the resolution of disputes between labor-management, within public safety agencies. Public Act 312 is also known as Mandatory Bargaining.

RESULTS

This document was driven by the need to determine if the process of Collaborative Bargaining is a valid concept for the future of Lansing Fire Department, and to provide a foundation for possible recommendations for future negotiations strategies. The research was based on a comprehensive literature review, coupled with personal interviews of the negotiators from the 2002 bargaining session.

Research Question #1. Is the continuation of Collaborative bargaining a valid concept for the Lansing Fire Department in the future?

The answer to Research Question #1 is a composite of the Literature Review and the result of 16 survey questions. Found in the Literature Review were several references to Collaborative Bargaining being used repetitively, both in education and the healthcare fields. The individuals authoring the reports were typically proponents of this form of bargaining as noted in the Literature Review.

The focus of the inquiry for this research however, was specific to bargaining units in Michigan, covered under Public Act 312, Compulsory Arbitration. None of the examples uncovered in the research were Public Act 312 units. A broader look at the

literature in both the United States and Canada, did not reveal bargaining units covered under laws requiring mandatory bargaining which used Collaborative Bargaining as their negotiations format.

Absent external information, this author devised a 16 question Individual Survey, to answer Research Question #1, is the continuation of Collaborative Bargaining a valid concept for Lansing Fire Department in the future? The questionnaire was divided into subsets of inquiry:

- Experience of negotiator, Questions 1 & 2
- Comparative analysis, Question 3
- Fairness of negotiations, Question 4, 11, 12
- Positive v. Negative aspects, Questions 5-8
- Facilitation, Questions 9 & 10
- Improvement and buy-in, Question 13
- Desire to repeat the experience, Questions 14 & 15
- Respondent comments, Question 16

Survey Question #1. Have you been involved in the formal bargaining process before? This question was designed to determine how many personal experiences with bargaining, the individual respondent had. Management personnel had an average of 20 negotiating experiences with Labor personnel averaging three negotiation experiences. All but three of the joint team had previous negotiating experiences. Negotiating was generally found to be a positive experience by the negotiators.

Survey Question #2. Have you been involved in 312 Mandatory Bargaining (Compulsory Arbitration) before? All of the management negotiators had previous 312 experience, and about half of the labor negotiators had 312 experience. The majority of respondents indicated their 312 experience was positive.

Survey Question #3. As compared with your previous experience, what were the main differences you found with Collaborative versus Traditional bargaining? The majority of comments focused on improved communications and understanding between the parties involved. A few respondents felt the process to be longer than Traditional Bargaining. The majority of comments were positive in nature.

Survey Question #4. Considering this negotiations in its entirety, do you feel the negotiations were equitable: The respondents indicate that both labor and management had been treated equitably. Of the 15 respondents, one labor member felt management had been treated more fairly, and one management member felt that labor had been treated more fairly.

Survey Question # 5. What were the strong points of CBB? A variety of input was received for this question. The ability to have open communication among the teams and members, a collaborative environment, and trust, pretty well synopsized the answers to this question.

Survey Question # 6. What were the weak points of CBB? It appears that intense openness of the environment may have been uncomfortable for some of the participants. There was concern expressed by some over giving “the other side” too much information which could be used against them in the future. In addition, the significant time it took to work through the process was mentioned as a potential weak point.

Survey Question # 7. What went well with the process? Good discussion, issue resolution, and a variety of other strong positive comments were received in response to this question.

Survey Question # 8. What did not go well with the process? Some things took too long, and initial “growing pains” in getting use to this type of very open process, seem to be the major issues with the process.

Survey Question # 9. Concerning the initial training that took place: It appears the majority of respondents found the process to be just right. A bit of “tweaking”, slightly longer or shorter, was suggested by some.

Survey Question # 10. Initially a facilitator from the State was with the group: As with the training itself, a majority of the group was comfortable with the length of attendance of the facilitator. A strong concern about becoming reliant on the facilitator rather than going on their own, became apparent in the responses as well.

Survey Question # 11. Were all topics of bargaining covered? It appears that not all of the topics were covered, but according to the respondents, the important ones were. For reader clarification, it is important to note that a sub-group of the combined teams broke off for economic talks. Later, the agreed upon information was brought back to the combined teams, discussed and agreed upon. This may explain some of the respondent’s uncertainty, regarding “all of the topics”.

Survey Question # 12. Did everyone have the opportunity to express their point of view? A universal and resounding “YES” was the answer from the group. It appears that if there is one point about which all are adamant, it is this.

Survey Question # 13. How could this form of negotiations be improved in the future? There appears to be some uncertainty about the answer to this question.

Continuing commitment to the process, and working toward institutionalizing

Collaborative Bargaining within the department, may be part of the answer.

Survey Question # 14. Would you recommend this form of negotiations model for the future? 12 of the 14 respondents answered in the affirmative, with some modifications noted. Only one of the respondents wished to completely return to Traditional Bargaining.

Survey Question # 15. If you would recommend it for the future, what steps should be taken to assure this? Continued communication, commitment, and problem solving, during the length of the contract dominate the answers to this question.

Survey Question # 16. Is there anything you would like to add? The majority of responses focus on continued communication, flexibility in approach, and a willingness to give it another try.

Research Question # 2. Are other Michigan public safety agencies which operate under the auspices of Pubic Act 312, Compulsory Arbitration, moving toward the use of Collaborative Bargaining?

At this time, “there are one, possibly two 312 units in the State of Michigan that have participated in Collaborative Bargaining. One in Kent County, and possibly one in Wayne or Oakland County. Lansing Fire Department is the first fire department to sign an agreement based on Collaborative Bargaining. The switch for 312 units is in its infancy” (J.R.Spalding, personal communications, February 24, 2003). Mr. Thomas

Krug, Business Manager for Lodge 141, Fraternal Order of Police, stated that, “Collaborative Bargaining is of interest to the Lodge. Although there are no known examples of Collaborative Bargaining currently underway at the Lodge, there is sufficient evidence that it works, and that it has results beyond the contract” (T.Krug, personal communications, February 18, 2003).

In Michigan, although the move of 312 units to Collaborative Bargaining is slow, other public service groups are moving to this method of bargaining. School districts and healthcare providers are in the vanguard of those who have successfully used Collaborative Bargaining, and have built a strong infrastructure of experience and trust to continue this focus.

Research Question #3. Is Collaborative Bargaining expanding on a national level, to the extent that it would support the continuance of this form of bargaining at the Lansing Fire Department?

Based on internet inquiries, there are numerous initiatives underway throughout the country. Once again, education and healthcare lead the way in reporting strides in the use of Collaborative Bargaining. According to Mr. James R. Spalding, “there are some initiatives at the educational level, which go well beyond the borders of the state. Interest continues to grow. The Federal Mediation and Conciliation Services put on a joint labor-management conference every two years, which addresses and focuses on Interspace Bargaining” (J.R.Spalding, personal communications, February 24, 2003).

It would appear that at local and regional levels throughout the nation, the use of Collaborative Bargaining is expanding. This may have a peripheral impact on Lansing Fire Department.

Initially, it was discovered by this author that the federal government had a mandate from President Clinton to use Collaborative Bargaining and employment partnerships. This mandate was published as a Presidential Executive Order 12871. This Executive Order would have given significant impetus for the use of Collaborative Bargaining at state and local levels of government, and would, in all probability, have impacted Lansing Fire Department. President Clinton re-committed to this Executive Order as late as 1999.

After continued research, it was found that on February 17, 2001, President George W. Bush revoked Executive Order 12871. "Section 3. The Director of the Office of Personnel Management and the heads of executive agencies shall promptly move to rescind any orders, rules, regulations, guidelines or policies implementing or enforcing Executive Order 12871" (Executive Order 13202, 2001b).

DISCUSSION

Driven by the need to reduce strife and tensions in the Lansing Fire Department, the Fire Chief and Union President initiated a new paradigm in bargaining relationships. After jointly attending a training session on the subject of Collaborative Bargaining, both leaders felt that the move to the use of Collaborative Bargaining, although risky, would result in a positive outcome of bargaining and some long term improvements in union-management relationships.

The risk for both leaders was significant. Both had to convince their respective negotiating teams that such a change was worth the effort. Both had to rely on the integrity of one another to lead, to be honest, to be open, and to role-model collaborative effort. Both had to withstand criticism when things didn't work out smoothly, took too long or involved uncomfortable compromise. Both had to withstand the criticism of those steeped in the "warrior mentality", for whom adversarial bargaining and a decisive "win" was the only method of resolution. Both leaders proved up to the task.

After a thorough search of the literature, this author believes this form of negotiations marks the first time in Michigan's history, that Collaborative Bargaining has been tried in a fire department bargaining unit covered under Public Act 312, Compulsory Arbitration. It is also the first time that the negotiations were concluded successfully.

There are numerous reasons why Collaborative Bargaining has not come to the forefront of negotiations methods. Although the benefits are well documented, the resistance to change is great. Managers don't want to "loose control", labor feels that anything less than adversarial confrontation is letting down their membership, and many do not want to invest the time it takes to reach an optimum agreement.

That said, it must be realized we are entering a new era. Impacted by threats of war, a staggering economy, tax rollbacks, and a mountain of other challenges, management and labor must be prepared to "think outside the box" and begin grasping for the tools of survival. This author believes that Collaborative Bargaining is one of those tools, a tool that can be shaped to the need of the hands that use it and a powerful force in a future of uncertain change.

Research Question 1 asked: “Is the continuation of Collaborative Bargaining a valid concept for Lansing Fire Department in the future”? According to the interview respondents, Collaborative Bargaining is a valid concept for Lansing Fire Department. Question 14 of the interview form asked: “Would you recommend this form of negotiations model for the future?” The majority of answers were in the affirmative.

Research Question 2 asked: “Are other public safety agencies which operate under the auspices of Public Act 312, Compulsory Arbitration, moving toward Collaborative Bargaining”? There is little to indicate that this movement is afoot. In an interview with Mr. James R. Spalding, it was found that possibly two other police departments may have used Collaborative Bargaining as the foundation of their negotiations, but this could not be verified at the of publication of this document.

Although it appears that the City of Lansing and IAFF Local 421 Collaborative Bargaining agreement is the first of its kind, it will not be the last in the City of Lansing. Currently negotiations are underway with two different bargaining units in the City using the template developed at the fire department negotiations. Apparently negotiators were encouraged by the results of the fire department negotiations, and are willing to undertake the risks of change to win the tangible and intangible benefits inherent in this type of negotiations.

Research Question 3 asked: “Is Collaborative Bargaining expanding on a national level to the extent it would support the continuance of this form of bargaining at the Lansing Fire Department? The federal government was making strides toward the mandated use of Collaborative Bargaining when the new incoming President rescinded the initiative.

There are numerous initiatives at state and local government levels throughout the nation, but it is doubtful if they will play a significant role in the continuation of Collaborative Bargaining at Lansing Fire Department.

It is felt by this author the continuation of Collaboration Bargaining at Lansing Fire Department will be exclusively driven by the leadership and the members of labor-management. In all probability, this is exactly how it should be, a local initiative without external influence or impact.

RECOMMENDATIONS

The City of Lansing and IAFF Local 421 have just completed a successful round of negotiations using the Collaborative Bargaining method. Lansing Fire Department needs to identify methodologies that can continue to build on those successes.

An Individual Survey Instrument assessing opinions of the negotiators, clearly indicates a desire to continue this form of negotiations in the future. Research indicates that Collaborative Bargaining, to be effective, must be an ongoing process. To institutionalize this process is to take steps to retain it. In the uncertain future we all face, joint collaboration on the issues that arise is important, if not imperative. Based on those concepts, and especially the recommendations of the negotiators, the following recommendations are presented to the City:

1. Continue the Collaborative Bargaining experience with semi-annual or quarterly meetings with the sixteen original participants and/or their replacements.
2. Use a subset of the whole to work collaboratively on issues that might face the Department in the interim years, including budget issues, contract interpretations,

and other issues of general interest. This is especially crucial with the upcoming budget shortages in state and local governments.

3. At least 6 months prior to the expiration of the contract, begin training sessions for the new group of negotiators, both those who have had previous experience, and new participants, so that everyone can become familiar with the process. This will also enhance the resolution of the more complex issues of trust building and communications, which is the foundation of this type of negotiations.
4. Institutionalize Collaborative Bargaining within most aspects of the department to prepare for the serious changes and negotiations of an uncertain future.

This research has laid the appropriate groundwork for the continuation of Collaborative Bargaining at Lansing Fire Department. With the future complexities of budget shortages, threats of war and terrorism, and a myriad of local challenges, it is possible that Collaborative Bargaining may be one of tools which would assist in stabilizing municipal and department operation and continuity.

It is hoped that future researchers may find use of this foundation research for their projects as well.

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APPENDIX A

INDIVIDUAL SURVEY INSTRUMENT

- 1. Have you been involved in the formal bargaining process before?**
 - a. If yes, was the experience positive?**
 - b. Does this include multiple experiences?**
 - c. When was the last time?**
- 2. Have you been involved in 312 Mandatory Bargaining before?**
 - a. If yes, was the experience positive?**
 - b. Does this include multiple experiences?**
 - c. When was the last time?**
- 3. As compared with your previous experience, what where the main differences you found with Collaborative versus Traditional bargaining?**
- 4. Considering this negotiations in it's entirety, do you feel the negotiations were equitable:**
 - a. To the labor side**
 - b. To the management side**
- 5. What were the strong points of CBB?**
- 6. What were the weak points of CBB?**
- 7. What went well with the process?**
- 8. What did not go well with the process?**

9. Concerning the initial training that took place:

- a. should it have been longer?**
- b. should it have been shorter?**
- c. was it just right**

10. Initially a facilitator from the State was with the group:

- a. should the facilitator have remained?**
- b. if yes, how long**

11. Were all topics of bargaining covered

12. Did everyone have the opportunity to express their point of view?

13. How could this form of negotiations be improved in the future?

14. Would you recommend this form of negotiations model for the future?

15. If you would recommend it for the future, what steps should be taken to assure this?

16. Is there anything you would like to add?

APPENDIX B

The following information was transcribed from individual interview forms. It is recorded as closely to the verbal statements as possible, with no editing of the narrative attempted. Where possible, information has been compiled in a table format to make analysis easier for the reader.

INTERVIEW FORM:

1. Process	a. Times	b. Experience	c. Last Time=2002 Unless Current
• y	5	Negative	
• y	4	Negative	
• y	20+	Frustrating/Successful	
• y	20+	Positive	Current
• y	20+	Positive	Current
• y	40+	Both Ways – Outcomes=Positive	
• y	4	Both Ways – Learned a Lot	
• n			
• y	1	Positive – Learned a lot	
• y	3	Positive – Negatives in the past	
• y	30	Positive -	Current
• y	2	Negative	
• n			
• n			
• y	6	Positive	
2. 312	a. Times	b. Experience	c. LastTime
• y	1	Negative	2000
• y	4	Negative	2000
• y	2	Positive in Conclusion	2000
• y	10	Positive	2000
• y	2	Positive	2000
• y	2	Positive	2002
• y	3	Positive – Learning exp	2000
• n			
• y	1	Positive – Learning exp	2000
• y	1	Positive	2000
• y	4	Positive except tail end of	2000
• y	2	Negative	2000
• n			
• n			
• n			

3. As compared with your previous experience, what were the main differences you found with Collaborative versus Traditional bargaining?

- More Open, Better analysis of issues, Problem Solving
- Collaborative, Not Intimidating, Conversation flowed easily, In traditional, we were not as trusting, More flexible
- Learned a lot more of the issue of the FD from both sides, Greater understanding, Talked about issues rather than proposals which are strictly rejected, The proposal was not the solution.
- Good, with that union (IAFF) the experience was slightly better because both sides were willing to move on things.
- Groups come together to problem solve rather than the adversarial model. There was sharing of information.
- Less posturing. The approach to Traditional is adversarial. 1st thing they do is identify differences and make mandates. Issue identification is difficult because “red-herrings” are thrown into the Traditional process. In Traditional, Ego seems to matter more than the outcomes.
- More collaborative and inclusive. Brings people together to problem solve. Traditional bargaining is more personality based.... Who can make the best argument. Too much “horse-trading”.
- Not Questioned.
- More time consuming... felt like a teaching process. City had to learn more about the ways of the FD. No other differences. Had to listen to everyone’s opinions.
- Able to hear all of the different voices of the other side. You don’t get that in Traditional bargaining.
- Problem solving and participants receive a better understanding
- A more positive approach for solutions. We were able to explore the possibilities.
- Not Questioned.
- Not Questioned.
- Collaborative Bargaining was more of an open forum for those who were in the teams.

4. Considering this negotiations in its entirety, do you feel the negotiations were equitable:

- | To the labor side | Management Side |
|-------------------|---|
| • y | y, but not all issues were brought to table |
| • y | N, we did all of the giving. If labor had to give up fundamental issues it wouldn’t have worked |
| • y | y, solved problems which would not have been solved in Traditional Bargaining. |
| • y | y |
| • y | y |
| • y | y |
| • y | y |

- | | | |
|---|----------------------------|---------------------------------------|
| • | I think so | I think so, wouldn't settle otherwise |
| • | In some ways | More equitable for the City |
| | Everyone had a say, we had | |
| • | to do a lot of educating. | y |
| | y | y |
| | y | y overall – well balanced |
| • | y | y |
| • | y | y |
| • | y | y |
| • | y | y |

5. What were the strong points of Collective Based Bargaining?

- Better long term relationships, can use a hybrid approach, wouldn't have solved the finance issue without trust having been built up
- Info sharing, took out the distrust, we all looked at the books
- Discussion and resolution of issues. Able to speak about solutions
- Understanding of what the settlement meant to both sides
- Positive environment versus the adversarial approach
- Efficiency of issue identification and rationale, better participation
- Collaborative piece – creatively solving problems – better environment – bringing together different ideologies and experiences.
- A little more insight on both sides. Had more input this way where with TB wouldn't have been able to say anything.
- Got to meet the City players and know them better. They had an eye opening. Able to deal with tougher issues.
- Got to see all of the different viewpoints of all the parties that have to be satisfied.
- Establish trust, and better working relationships
- Everyone has more ownership and it moves away from “centered positions”. A majority of the issues you can bargain with CB
- Was more open; people laid their cards on the table. There was little-to-no horse-trading. Points were openly discussed.
- A more efficient process.
- Afforded an opportunity to have a working dialogue which conveyed a mutual decision making process.

6. What were the weak points of CBB?

- In the beginning we were beating issues to death
- Have to show all your cards
- The fit of economics.
- Time consuming
- Absent strong leadership, the system could fail
- Inherent in the process was difficulty making a transition to CB. Had to make a leap of faith. Took time.

- So much going on with day to day issues. Had to educate the City into the ways of the FD
- Both sides did not want to address some issues. Still tip-toed around some other issues.
- N/A
- Took time to work through. Required everyone to be honest and open and assumes everyone will.
- Time commitments
- Difficult to keep a consensus. It was easy to jump out and not take the popular position of your side. Alternatively, it works.
- No real weaknesses. Still may have cut some side deals without the whole team knowing about it.
- Both sides got a good education. Had to show your hand.
- So long to settle individual issues.

7. What went well with the actual process?

- Resolved issues which would probably not be resolved with TB
- Issues – we were able to see and discuss the pros and cons
- Most things, especially a group sitting around the table talking openly
- Good leadership and moderators
- Credibility with Spaulding coming in
- Everything, but it took time. Developed relationships which will continue beyond the bargaining process.
- Agreement and carryover
- We did have some good discussion. The City has a better understanding of what it is to be a firefighter.
- Issues we were not able to agree on in TB
- Like having a facilitator there. Wish he would have stayed throughout. The majority of issues were discussed.
- Improved contract brought to a faster resolution
- Presence of mind to stay with the format, to keep us on track.
- People were respected and only marginally interrupted. You could voice your stand.
- Thought the whole process went smoothly and especially with all the strong personalities in the room, that wasn't expected. There was no antagonism during the process which there is in TB
- The whole process went pretty well. We didn't cut corners. Went through all the steps whether we thought we needed to or not.

8. What did not go well with the process?

- Facilitators were new to the process, having to bring non-fire people up to speed, undertaking this process is very risky.
- Could see answers, but had to work through the process for the whole group to bring the issue to final resolution.

- Most things went well. The process for economics was different.
- Still some feelings of distrust.
- Should have gotten some issues locked down.
- Initially, at the time there would be a schism among partners.
Disagreements should be done in caucus. At times, the leaders had lost control.
- Fear that we offered the City an education that could be used against us.
- Haven't got our contract out yet, or gotten back together to discuss some issues yet to be settled. Would like to meet again and have those discussions. We should also include daily issues, have meetings with an agenda.
- Didn't get issued done in a timely manner. Some dragged out. When one side took issues back; things were not done in a timely manner.
- We had trouble staying on task, so the process took too long.
- Nothing really.
- Would get hung up on some issues. Time and experience will take care of that.
- May need to give the process a lot more time.
- The financial side was hard. CB works well for non-economic issues. The way we did it was best... 3 from each side for the economic issues, but didn't like not begin there. Perhaps it's the necessity of the beast.
- May have been too many personalities involved. This process may allow for too much personalities to be involved.

9. Concerning the initial training that took place: longer, shorter, just right?

- Just about right for this group
- Longer, when used, a bonding has to take place. More time would have cemented that bond.
- Well done – the proof was how well it worked out.
- Just right
- Length was long enough – should not have been longer – done in 1 day.
- Just right. 1st done formally, then as an observer
- Fine
- Was right for both parties this year. Had a hybrid system so it was just about right. Could have been longer down the road.
- It was all right.
- About right.
- If was fine. It was important to get started and learn OJT
- A little longer for a better feel.
- Adequate
- Could have been a little longer. It was tough when he left because of the learning curve, but we ran with it.
- Just about right for our group. For others, it may need to be longer.
- If we do it again, we should go back for a refresher.

10. Initially a facilitator from the State was with the group – should the facilitator have remained, if yes, how long:

- If we had the time and budget – start to finish
- No, we had to work our way through this, could not use him as a crutch.
- He didn't need to stay, but needs to remain available
- Not in this case.
- No, by not having the 3rd party, it forced the process to work
- Remained. The unit partners were able to work through this process in a successful manner.
- This worked out fine. Glad he came back at a later date. We worked through it.
- No, we would have been too dependent on him
- No, its good he came back
- He could have remained longer, or been more readily available. Should be an on-call situation.
- The timing was appropriate, and he was on call for assistance.
- Was just about right. He left, then came back occasionally.
- Should have stayed longer, or at least a little longer to guide the process. We did just fine on our own.
- Don't know. Would like to have his stay for a while. We never really got stuck for long. At some point he has to cut loose. If needed, he could have come back.
- The time he spent with us was appropriate. For the most part, it was just right. Didn't get to rely on Spalding that much.

11. Were all topics covered

- No
- No, management left out several, were anxious to settle
- Yes
- Who knows, we focused only on important issues, no horsetrading
- None economic items were covered. Economics were not, because some were dropped near the end.
- Yes
- As I recall. No way to cover everything, the list was pared down.
- Don't know.
- For the most part. One major issue for the city was not.
- No. Not sure it was necessary that they all get covered.
- No. Didn't do much with promotions
- Yes, except one issue to go... schedule for dispatchers.
- No, we mutually agreed to drop some minor ones.
- I don't believe so. Some things may have come off the table when the sub-group when to bargain for economics, but not sure.
- No, there were a few that we may not have covered. No pressing issues.

12. Did everyone have the opportunity to express their point of view? ALL YES

13. How could this form of negotiations be improved in the future?

- First time is always tough
- Longer period of initial training. Don't let financial aspects over-ride basic needs.
- Went very well.
- Not sure. Will depend on the future.
- Don't do full day sessions.
- Everything went the way it should have. Need to get started early. No late sessions or marathon sessions.
- Hard questions. The facilitator positions may improve. Roles may not have been clear. May have had some unneeded problem without knowing it.
- Continuing commitment. The group may have been too large to be effective. Continuing dialogue is needed. Taking care of house-keeping issues when needed.
- Scale down on the group membership, but realize that you may in some instances need that many. Should have some guidelines on Article writing.
- Use the TB style for laying out issues and use a modified CB to break each issue down with smaller groups. Groups went away and come back to the large group with economics.
- Work at keeping focused. Perhaps the facilitators could have more experience.
- Will be improved by repeatedly using it. Can be made even easier in the long term.
- More time needs to be allotted to it. Maybe more diverse hours, but it was adequate.
- Liked the way we did it. Like to see us do it again. Also liked the use of the "dual-headed facilitator"
- Collaborative Bargaining could be used even between contract negotiations. We can use that process to fix smaller issues between contracts.

14. Would you recommend this form of negotiations model for the future?

- y
- y, but if economic issues were pressing, then not recommend it
- y, in fact we now have other units going to it
- y
- y, for certain groups. Will work in some groups, not others.
- y
- y
- y, but you can't depend on it every time. In this case, there was a willingness to settle. That must be present.
- Would recommend it for some problem solving. Was a good process for that, the non-economics. But for some issues it would not work. More time consuming than TB. CB could also be used for some issues during the life of the contract. Other items would not be agreed upon and you would have to use TB.

- Personally, I would rather return to TB, with the caveat of sending small groups to handle small issues.
- y, the City is moving toward this form of negotiations for all contracts.
- y
- y
- y
- You Bet!

15. If you would recommend it for the future, what steps should be taken to assure this?

- Keep talking during the length of the agreement. Could then get to the shifts and more substantive stuff.
- Longer initial training. Financial meetings with the Finance Department before negotiations begin. Both parties meeting with the Mayor and Council to get their blessings before proceeding.
- Expand to other units. Use internally.
- Keep dialogue truly open
- Put forward that this is the way to go. Would push it with groups.
- Between bargaining, maintain a collaborative relationship with contract talks and grievances. Must change the dynamics of the labor-management relationship.
- Continual discussion, problem solving using this method. We need to continue trust-building prior to next negotiations.
- Wouldn't work in every case. Parties must have a willingness to settle equitably. There are things that could become a road-block to CB
- Don't know if I would recommend it. Would recommend it for non-economic issues. Meet over the life of the contract using CB. Go back to TB for economic issues.
- N/A
- It is important to have the right facilitator to introduce the topic, and to have the support for this form of negotiations from the top (Mayors level).
- Agreement to use it right from the start. Wages may not be right for CB, and we might do what we did this time.
- Keep a good relationship between employer and the bargaining unit, a so called olive branch.
- Possibly a labor-management agreement. Don't know what management thought, but labor thought the process was positive.
- Get a honest commitment out of the groups. It worked, it cost time, but there is no reason not to do it again.

16. Is there anything you would like to add?

- CB worked for us because people were able to accept the process. The horse-trading mentality makes it difficult, along with concept that if the unit has a TB focus, they are empowered by conflict. They are seen as saving their brother, and must fight, rather than deal and “give away the farm”.
- The membership for CB must be chosen carefully. The group dynamics are crucial to the process. The amount of negotiators must be considered.
- Obviously it worked.
- It is a good process. It takes faith on both sides to understand the financial inter-dependency.
- Hope and believe the professionalism and willingness to work will continue in this type of an environment.
- I am formerly a die-hard opponent and now I am a convert. Would seek to use CB in TB. Must emphasize a positive history. Those moving on should help transition their successors. Have the larger group involved with the participants.
- The problem will be retirements and career movements. Efforts need to continue with regular group meetings and working on relationships.
- Do not be afraid to return to TB
- That was the big thing.... It is a good process for some things....for smaller issues it was a good process.
- Would like to see a mix of TB & CB, but don't know how you get there.
- May need to do this more than once to understand. Really need to be committed to being open to this type of bargaining for it to work.
- Caucus. They weren't really allowed. Would like to see them used more and be more comfortable to use them.
- It cuts to the chase quicker. Pretty pleased with it. It is another tool in the tool bag to use.
- As far as a financial presentation, it should be given to everyone. All should be party to that. Everyone should be present.
- The long term relationships between labor-management have improved.
- Both teams should want to give it a try.

APPENDIX C

Interview with Mr. James R. Spalding

Labor Mediator

Bureau of Employment Relations

Department of Consumer & Industry Services

Mr. James Spalding was contacted at his office, on February 24, 2003 at approximately 8 a.m., for an interview related to Collaborative Bargaining. Mr. Spalding was asked to expound on seven questions, which are listed below.

1. Your current perspective on Collaborative Bargaining?
2. What other 312 Units are involved in Collaborative Bargaining?
3. Any thoughts on Lansing Fire Department negotiations?
4. Any other units of government involved in Collaborative Bargaining throughout the State of Michigan.
5. Any information on national initiatives?
6. Your thoughts on methods of improving and continuance, within an agency?
7. Anything else you would like to add?

Question #1. Your current perspective on Collaborative Bargaining?

Answer: "We must consider the current situation. We are getting to a point because of the nature of the economy, that it may become difficult to establish a proper environment for Collaborative Bargaining. Yet, this comes in a time when this might be a better time to use it, or risk continuous fighting. Collaborative Bargaining might be the best vehicle to deal with the changes which might be forced upon us".

Authors Supplemental Question: In some places, using as an example Lansing Fire Department, the larger Collaborative Group was reduced in size to a much smaller group to better deal with economic issues. This was an obvious change from where we were headed. Some suggest that we use Collaborative Bargaining for non-economic issues, and turn the economics over to Traditional Bargainers. What are your thoughts on this?

“It would be a hybrid of what is suggested. It is important to remember that we should do whatever works. You shape the tool to fit the hand, and if that’s how you can reach and agreement, that’s what you do.”

Question #2. What other 312 Units are involved in Collaborative Bargaining?

Answer: “There are one, possibly two 312 Units in the State of Michigan, that have participated in Collaborative Bargaining. One in Kent County, and possibly one in Wayne or Oakland County. Lansing Fire Department is the first Fire Department to sign an agreement based on Collaborative Bargaining. The switch for 312 units is in its infancy.”

Question #3. Any thoughts on Lansing Fire Department negotiations?

Answer: “We were involved with Lansing Fire Department in their previous negotiations. It was very difficult. I was advised by others that Collaborative Bargaining would never work for this group. I was extremely pleased that it did, and it worked very, very, well”.

Question #4. Any other units of government involved in Collaborative Bargaining throughout the State of Michigan.

Answer: “Many K-12 school districts have embraced this form of Bargaining. Universities are beginning to look at it as a viable alternative to Traditional Bargaining,

and, as an example, McLarin Hospital, which as used Collaborative Bargaining in the past, is now moving to include all of their units of the hospital in this form of bargaining. In addition, they work through problems during the life of the contract using this same format. Currently, there is nothing similar to Collaborative Bargaining in use for state government”.

Question #5. Any information on national initiatives?

Answer: “There are some initiatives at the educational level, which go beyond the borders of the state. The Federal Mediation and Conciliation Services put on a joint labor-management conference every two years, which addresses and focuses on Interspace Bargaining”.

Question #6. Your thoughts on methods of improving and continuance, within an agency?

Answer: “It’s important to institutionalize the process. Monthly meetings on a regular basis will help insure this process will continue. One school district has done this for over 10 years. When they approach negotiations, it’s done in a collaborative manner, and previously when they used to have dozens of issues, there are now less than six or so to be bargained. Far less time is spent during the negotiations process, because it is always ongoing. It helps keep the relationships strong”.

Question #7. Anything else you would like to add?

Answer: “It’s important to remember that the “old warriors mentality” still exists, and they are not comfortable with the process. No matter what the arguments are for Collaborative Bargaining, they can always say that the outcome would have been much better the old way. Try to act collaboratively every day. This concept is a whole lot

more than just steeling a contract. Proper use continuously builds a strong labor-management relationship”.

APPENDIX D

A THANK YOU TO THE PARTICIPANTS

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Mr. James R. Spalding – Labor Mediator and teacher

Chief G. K. Martin – Lansing Fire Chief

Captain William T. Cochran – Local 421 IAFF, President

Assistant Chief Mallory C. Willis – Lansing Fire Department

Lieutenant Ronald Finley – Local 421 IAFF, Vice President

Ms. Sharon Bommarito – Personnel Director, City of Lansing

Captain Leon Parker – Local 421 IAFF, Mediator

Mr. Robert Swanson – Finance Director, City of Lansing

Engineer LeAnn Smullen – Local 421 IAFF, Mediator

Mr. Douglas Rubley - Deputy Finance Director, City of Lansing

Engineer Daniel Kriegbaum, Local 421 IAFF, Mediator

Mr. John Bensinger – Labor Specialist, City of Lansing

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Ms. Susan Graham - Personnel Specialist, City of Lansing

Firefighter Krishna Singh – Local 421 IAFF, Mediator

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